

1893-019  
Lee Co.

Chancery Causes: Patrick Hagan & vs. William S. Whiteley, trst. &

Campbell, Holmes, Brown, Cosby, Young, Whiteley

CH - Estate Dispute  
T - Property

- Deed  
- Correspondence

To the Honorable H. S. K. Morrison, Judge  
of the Circuit Court of Lee County

Your Orator Patrick Hagan, and  
Your Oratrix, Mary B. Campbell, widow,  
and sole devise of John A. Campbell, who  
departed this life in the year 1886.

Humblly complaining represents that  
the Commonwealth of Virginia granted  
by patent dated

17 to Samuel Young 3000. acres  
of land, situated in the said County and  
which is bounded as follows, to wit,

That the said Patentee died intestate, and  
the said land descended to his only child  
and heir, Samuel C. Young. That the  
said Samuel C. Young, by a deed dated  
July 12<sup>th</sup> 1891, conveyed the said land  
to one John. Holmes, of the City of  
Philadelphia, that the said Deed was  
duly delivered together with the Original  
patent to the said John Holmes

That the said John Holmes died intestate  
and the said land descended to his



heirs at law. to wit, Jno Holmes, Margaret Holmes, Seth C Holmes & E. E. Whiteley formerly Holmes, wife of W. S. Whiteley, That Gulkerson and others had entered upon the land and claimed the same under patents adversely to the said Holmes That in this condition the said heirs of Jno. Holmes. employed the said Jno. Campbell about the year 1859, to institute suit in Chancery to repeal patents obtained by adverse Occupants. The said suit after pending many years was dismissed about the year

A suit in ejectment was then instituted against the adverse Occupants in the Circuit Court of the United States for the Western District of Virginia about the year 1871. by the said heirs

This suit was continued from Court to Court untill the year 1879, when it was tried and decided in favor of the plaintiffs An appeal was sought and obtained by the Defendants to the Supreme Court of the United States and was <sup>there</sup> heard and determined in favor of the plaintiffs in

1886 Your Orator states that the said Jno. A. Campbell had a contract with the plaintiff by which he became entitled to an equal share with each of



the forsaide Heirs in said Land.

The suits in question were viewed as involving very intricate questions both of law and fact, - and the said Jno A. Campbell the Counsel for the said Holmes heirs promised that your Orator have One half of his interest in said land if he would assist in the suits your Orator agreed to do so and did act in concert with him from their institution in the Year 18. untill the final adjudication in the supreme Court of the United States in the City of Washington your Orator states that he regularly attended the U. S. Court at Abingdon during the pendency of said suits therein, untill judgement for the land was obtained - that he went to Gaywell in Hancock County in the state of Tennessee and took depositions in said causes proving that certain letters had been written by Peter Fulkerson to John Holmes acknowledging the title of said land to be in the Holmes's and thus Negatived the adverse possession set up by those who claimed, and who had possession some 40 or 50 Years under Fulkerson. That he took depositions in other places in regard to matters involved



in the suit:— that the distance from Jonesville to Abingdon is 80 miles and in those days he had to travel from his residence in Jonesville to Abingdon on horse back. during the several years the suits were pending in said U. S. Courts.

He further states, that when the suits were taken by appeal to the City of Washington he went there three times to argue the causes, and he ~~final~~ did argue them with William P. White when they were finally decided and he states that ~~up~~ whilst attending all of these Courts, and whilst taking the depositions referred to, he paid his own Expenses, which amounted in the aggregate to at least \$1000.<sup>00</sup>

Your Orator again states that after the decision of the said suits in the Supreme Courts of United States the said John A. Campbell, borrowed from Your Orator \$1200<sup>00</sup> and to secure its payment, he executed a deed on the       day of       1886 whereby he conveyed inter alia to Daniel Grigg Trustee, all of his interest in said Lands under the Contract aforesaid in trust to secure to your Orator the payment of said sum of money, and in this trust deed the said John A.



Campbell admits that your Orator has an equal interest of  $\frac{1}{5}$  with himself in said Land. A Transcript of this trust deed will be filed marked "A" which shows that it has been duly recorded in Lee County where the Land is situated. Your Orator and Oratrix further states that the said Jno. Holmes Mrs. Margaret Holmes Seth C. Holmes and Mrs. E. E. Whiteley Wife of W. S. Whiteley, heirs as aforesaid by a Deed executed by them and duly recorded in Lee County, a transcript whereof <sup>will be</sup> ~~is~~ herewith filed marked "B." Convey. the said Land to Wm S Whiteley and Edward C. Holmes in trust to be sold by the trustees and the proceeds to be divided among those entitled. In this Trust deed the

Grantors direct that  $\frac{1}{5}$  of the proceeds be paid to your Oratrix as the Widow of the said Jno. A Campbell. or to whomsoever may be entitled to the said Jno A Campbell  $\frac{1}{5}$  interest ~~and~~ which is an admission and recognition of the interest to which Jno A Campbell was entitled. Your Orator further states that one John Howard. was purch. for about 700 acres of said Land. for which he obtained patents —



that pending the suit he departed this life and his son Hiram J. Howard was left in possession of the lands so patented to his father - that in the year 1888 the said Hiram J. Howard proposed to sell his interest in these lands and about 100 acres of adjoining lands for the sum of \$1500.<sup>00</sup> Your Orator considered the price low and purchased them at the said price and paid him therefore. Your Orator states that in making this purchase he intended the the contract ~~so far~~ to be for the benefit of himself Ino. a Campbell's estate and the Holmes heirs to the extent of the Young patent each bearing their pro-rata of costs. And he states that he accordingly made a quit Claim Deed to this effect and to give it validity he inserted One Dollar as the consideration paid but he states that in fact ~~that~~ nothing whatever has been paid to him. He further states that he got possession of said land from said Howard and has turned the same over to the said heirs to the extent of the lines covered by the Young patent. He is now advised that the benefit accruing to said heirs by the purchase from said



Howard, and getting possession thereof and turning the possession thereof over to the said Heirs has benefited, said heirs at least \$1200<sup>00</sup>. The purchase of the Howard claim was in the nature of an incumbrance and the said heirs of the estate of Jno a Campbell and your Orator should bear the costs of the purchase of the encumbrance in proportion to their interests. Hence he is advised that the costs of the purchase of the encumbrance as well as the money which he necessarily expended should be a charge upon said Land.

Your Orator further states that since the execution of <sup>the</sup> Trust Deed by said Heirs

Edward C. Holmes, one of the Trustees has departed this life and the surviving Trustee William S. Whiteley, has recently made Sale of said Land to one Alexander Brown of the City of Baltimore at the price of \$30000<sup>00</sup> Subject to certain abatements for a part of the land heretofore sold by said Trustees and also for Timber sold off the said Land by said Trustee Whiteley.

Your Orator is informed that the purchaser has paid \$12,000<sup>00</sup> of the purchase money to said Trustee Whiteley as is to pay the remainder when the acreage of the



land is ascertained by survey and the abatements ascertained. Your Orator and Oratrix further state that the said Trustee heretofore sold, about 115 acres of said tract for the price of \$2081.<sup>00</sup> or thereabouts that the Louisville & Nashville Rail Road Company has paid him for the right of way for said Rail Road through said land about the sum of \$3600.<sup>00</sup> and the amount which the said Trustee has received for timber is unknown to your Orator. Your Orator and Oratrix state that the only sum which the Trustee has paid to them or either of them is the sum of \$627.<sup>00</sup> which they have equally divided and they state that he refuses to pay them or either of them any part of the \$12,008.<sup>00</sup> received by him unless they first execute a deed to said Alexander Brown conveying to him all of their interest in said land without the reservation of any lien for what might be due them and upon the execution of such Deed, he proposes to pay only the sum of \$1500.<sup>00</sup>

Your Orator and Oratrix state that they expressed their willingness to ratify the sale made as aforesaid by said Trustee to Brown upon condition that they were



paid their pro-rata of the proceeds of sale and to this end, they made a tender of a Deed executed by them on the 10<sup>th</sup> day of September 1892 conveying to said Brown all of their interest in said land but reserving a lien on face of said Deed for payment of the amount which they were equitably entitled to which deed was refused and not accepted Hence under the circumstances of the Case as represented your Orators are forced into equity for relief They are advised that they have an equitable right to an undivided  $\frac{1}{5}$  part of the said 3000. acre tract of land and to obtain partition thereof is the object of this bill Their prayer therefore is that William S Whiteley Trustee John Holmes Mrs Margaret Holmes. Seth C. Holmes & Mrs E. E. Whiteley & Alex. Brown be made defendants to this bill also that L. S. Corby administrator with the will annexed, of Jno A Campbell Decd and the unknown heirs of Samuel Young and Samuel C Young be made defendants to this bill and answer the same but an answer under other oath is specially waived that on a hearing a Commissioner be appointed to ascertain



what sum should be properly chargeable to said Trustee  
~~Whiteley~~ and  
and report what sum should be charged  
against said land in favor of your Orator  
or in favor of said Trustee. and report  
the same to the Court that the said  
land upon a hearing of the Cause be  
partitioned as prayed for. or that the  
Sale made be ratified and out of the pro-  
ceeds of sale such sum first be paid  
that are properly chargeable upon said  
lands. and the residue be directed to be  
paid to the parties interested according to  
their rights and grant other and Gener-  
al relief may summons issue &c.

Pridemore. p. q.



C 9.57  
 Dr 5.00  
 \$14.57  
 Co \$ 5.50  
 \$18.07

Campbell & Hayan  
 vs { Bill-ly  
 W. S. Whiteley et al

1892 2<sup>nd</sup> Octo, Rules Bill filed  
 3<sup>rd</sup> not Executed & Order  
 Publication against non  
 resident defendants

" 1<sup>st</sup> Nov. Rules order Pub.  
 Completed & D. Nisi as  
 to non resident Defts.

" 2<sup>nd</sup> Nov. Rules D. Nisi Confd

" 1<sup>st</sup> & 2<sup>nd</sup> Decr. Rules Contd

1893 1<sup>st</sup> & 2<sup>nd</sup> Jan " "

" 1<sup>st</sup> Feb " "

" 2 " " Cause set  
 for hearing as to non  
 resident Defts by Piff.

" March Term  
 Removed to U.S.C.  
 at Abingdon  
 Va.



IN THE CIRCUIT COURT

OF LEE COUNTY

STATE OF VIRGINIA

-----:  
Patrick Hagan and Mary B. Campbell :

Plaintiffs :

vs :

William S. Whiteley, Trustee, et. al. :

Defendants :  
-----:

PETITION FOR REMOVAL OF THIS CAUSE TO THE UNITED STATES  
CIRCUIT COURT FOR THE WESTERN DISTRICT OF VIRGINIA, AT ABING-  
DON.

To the Honorable H. S. K. Morrison, Judge of the  
Circuit Court of Lee County, State of Virginia.

Your Petitioner William S. Whiteley Trustee, res-  
pectfully shows unto your Honor that he is one of the defend-  
ants in the above entitled suit and that the matter and  
amount in dispute in the said suit exceeds exclusive of in-  
terest and costs, the sum or value of Two thousand dollars  
(\$2,000.)

Your Petitioner further shows that the said suit is  
of a civil nature and that there is in said suit a contro-  
versy which is wholly between citizens of different states  
and which can be fully determined as between them, towit:- a  
controversy between your said Petitioner, together with the  
defendants Seth C. Holmes, Mrs. E. E. Whiteley (wife of your  
Petitioner) and Alexander Brown and the heirs at law of the  
defendants John Holmes and of Mrs. Margaret Holmes, both of  
whom were dead prior to the institution of this suit, on the



one hand and the plaintiffs on the other hand, and your Petitioner avers that he together with the said Seth C. Holmes, Mrs. E. E. Whiteley and Alexander Brown now are and were when this suit was instituted, residents and citizens of the State of Maryland and that the heirs of the said John Holmes and of the said Margaret Holmes are all non-residents of the State of Virginia and were at the time of the institution of this suit and still are citizens and residents of other states of the Union and that the said Plaintiffs were at the time of the institution of this suit and still are residents and citizens of the State of Virginia; that the said controversy is of the following nature, namely, a suit for the partition of a tract of land containing Three thousand (3,000.) acres more or less, situate in Lee County, Virginia and that your Petitioner and the said plaintiffs are both actually interested in said controversy.

And your Petitioner offers herewith a bond with good and sufficient security for his entering in said Circuit Court of the United States on the first day of its next session, the copy of the record in this suit and for paying all costs that may be awarded by the said Circuit Court, if said Court shall hold that this suit was wrongfully or improperly removed thereto and he prays this Honorable Court to proceed no further herein except to make the order of removal required by law and to accept the surety and bond and to cause the record herein to be removed into the said Circuit Court of the United States in and for the Western District of Virginia at Abingdon.

And he will ever pray &c.,

*White & Buchanan*  
for Petitioner

*William J. Whiteley*  
Sua



STATE OF MARYLAND, BALTIMORE CITY, TOWIT:--

I HEREBY CERTIFY, that on this *First*  
day of March, 1893, before me the subscriber, a Notary Public  
of the State of Maryland, in and for the the City aforesaid,  
duly commissioned and qualified, personally appeared William  
S. Whiteley, Trustee and made oath in due form of law that  
the matters and facts stated in the foregoing petition are  
true to the best of his knowledge and belief.

IN TESTIMONY WHEREOF, I have hereto set my hand and  
affixed my Notarial Seal the day and year first  
above written.

*Harry W. Rodgers*  
\_\_\_\_\_  
Notary Public.





Petition

William S. Whiteley, Trustee

advs 3 Petition

Campbell & Hagan

Filed in open court

by leave thereof March  
6<sup>th</sup> 1893.

J. H. Hyatt & Co

MARBURY & BOWDOIN,  
ATTORNEYS AT LAW,  
12 ST. PAUL STREET,  
BALTIMORE, MD.

J. V. JOHNSTON & CO., 23 MURRAY STREET, NEW YORK.



1 Patrick Hagan and Mary B. Campbell Plffs  
2 vs

3 William S. Whiteley Trust et al. Dfts. In  
4

5 The defendant William S. Whiteley Trust  
6 having this day entered his appearance at  
7 the suit of the plaintiffs, and filed a peti-  
8 tion for the removal thereof into the Circuit  
9 Court of the United States for the Western  
10 District of Virginia, at Abingdon, which  
11 petition sets forth that this defendant  
12 together with the defendants Seth C. Holmes  
13 Mrs E. E. Whiteley and Alexander Brown now are  
14 and were when this suit was instituted, residents  
15 and citizens of the State of Maryland, and that  
16 the heirs of the said John Holmes and of the said  
17 Margaret Holmes are all non-residents of the State  
18 of Virginia, and were at the time of the institution  
19 of this suit and still are citizens and residents  
20 of other states of the Union, and <sup>that</sup> the plaintiffs  
21 were at the institution of this suit and still  
22 are residents and citizens of the State of  
23 Virginia, and that the matter and amount  
24 in dispute in the said suit exclusive of  
25 interest and costs, exceeds the sum or value  
26 of two thousand dollars. And  
27 the said defendant having given good and  
28 sufficient security for his entering into such  
29 court on the first day of the next term thereof,  
30 and filed copies of the process issued against  
31 him pursuant to an Act of Congress, entitled  
32 "An Act to establish the jurisdiction of the Courts  
of the United States," the Court accepteth



1 the security, and will proceed no further  
2 in the same.

Patric H. Ag. an Mary B Campbell.  
Order for  
Removal.  
William S. Whiteley

Entered page 432  
March 6<sup>th</sup> 1893  
J. A. S. Syatt

Enter this  
H. S. N. M.  
March 6<sup>th</sup> 1893



This Indenture made this (8th) Eighth day of March in the year one thousand eight hundred and eighty seven between Harriet A. Holmes, Edward C. Holmes, Sophie M. Holmes his wife, Elizabeth Holmes. Annie Holmes, George F. Martin and Helen P. Martin his wife formerly Helen P. Holmes. of the City of Philadelphia in the State of Pennsylvania John Holmes and Annie E. Holmes his wife of Linnworth County in the State of Kansas, Seth C. Holmes, William S. Whiteley and Elizabeth E. Whiteley his wife of the City of Baltimore in the State of Maryland, of the first part, and the said William S. Whiteley and Edward C. Holmes Trustees as hereinafter mentioned of the second part. Witnesseth, that whereof the said Harriet A. Holmes, Edward C. Holmes, Elizabeth Holmes, Annie Holmes, Helen P. Martin, John Holmes, Seth C. Holmes and Elizabeth E. Whiteley are the heirs at law of John Holmes deceased and as such are seized



and possessed of a certain tract  
of land Situate in Lee County Virginia  
in Powells valley on the waters of Mar-  
tins creek, beginning at a poplar  
and Crooked hickory corner of Joseph  
Martins line, and with a line thereof  
North sixty eight degrees East nine  
hundred and thirty seven poles to  
a black gum and hickory corner  
of William Priests land and with  
a line thereof North seventy seven  
degrees East, Three hundred and  
thirty poles to a stake, thence leaving  
said line, North five degrees West,  
four hundred poles to a white oak  
on a hill, South seventy one degrees  
West, Thirteen hundred and twenty  
poles to two small white oaks, South  
fourteen degrees East, four hundred  
poles, crossing a branch to the  
Beginning: containing three thou-  
sand acres of land which was  
conveyed by the grant of the com-  
monwealth of Virginia to Samuel  
Youngs, by Patent dated the seventh  
day of May, one thousand seven  
hundred and eighty seven and  
conveyed by the deed of Samuel C. Young



to the said John Holmes now deceased  
dated the twelfth day of July, one  
thousand eight hundred and  
nineteen, And whereas the parties  
hereto of the first part have agreed  
to grant and convey said lands to  
the parties hereto of the second  
part, In trust for the uses and  
purposes hereinafter mentioned.  
Now therefore in consideration  
of the premises, and of the sum of  
one dollar lawful money paid to  
them by the parties hereto of the  
first part, have granted, bargained  
and sold, aliened, enfeoffed and  
conveyed, and do hereby grant, bargain  
and sell, alien enfeoff and convey  
unto the parties hereto of the second  
part and the survivor of them and  
the heirs and assigns, of the survivor,  
all the tract or parcel of land above  
described. To have and to hold the  
said land unto the parties of the  
second part, and the survivor of them  
and the heirs and assigns of the  
survivor, to their and his proper use  
forever, In trust and confidence,  
and with full power to sell and  
dispose of said land or any part



or part thereof, either at public or private sale, and for such price or prices, and on such terms as to them, or the survivor of them may seem proper, and to grant and convey the land so sold to the purchaser or purchasers of without obligation on the part of the purchaser or purchasers to see to the application of the purchase money, and in further trust, to apply, the net proceeds of said sale or sales after deducting all taxes expenses and other necessary charges as follows. one fifth part thereof to the representatives of John A. Campbell deceased, or such person or persons as may be entitled thereto under a contract heretofore made between said heirs of John Holmes deceased and said John A. Campbell in his lifetime for services rendered in connection with litigation concerning said lands, one fifth one fifth part thereof to said Harriett A. Holmes and Edward C. Holmes in equal shares, one fifth thereof to said Elizabeth Holmes.

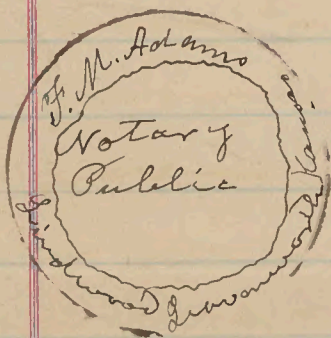


of John Holmes whose names are signed to the writing above bearing date the 18<sup>th</sup> day of March in the year one thousand eight hundred and eighty seven, personally appeared before me in the said county and state aforesaid and being examined by me privately and apart from her husband, and having the writing aforesaid fully explained to her she the said Annie E. Holmes acknowledged the said writing to be her act, and declared that she had willingly executed the same and does not wish to retract it. Given under my

hand this 18<sup>th</sup> day of March A.D. 1887. my commission expires March 23<sup>rd</sup> 1887.

F. M. Adams

Notary Public.

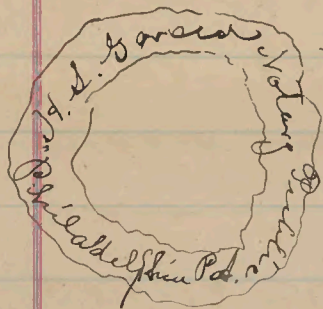


State of Pennsylvania }  
City of Philadelphia }

I, E. H. Barred a Notary Public of the Commonwealth of Pennsylvania in and for the City of Philadelphia do hereby certify that Edward B. Holmes and Sophie M. Holmes his wife whose



names are signed to the writing hereto bearing date the 8<sup>th</sup> day of March in the year one thousand eight hundred and eighty seven have acknowledged the same before me in the City and State aforesaid, I do also certify that Sophie M. Holmes the wife of Edward B. Holmes whose name is signed to the writing above bearing date on the 8<sup>th</sup> day of March in the year one thousand eight hundred and eighty seven personally appeared before me in the City and State aforesaid and being examined by me privately and apart from her said husband and having the writing aforesaid fully explained to her she the said Sophie M. Holmes acknowledged the said writing to be her act and declared that she had willingly executed the same, and did not wish to retract it.



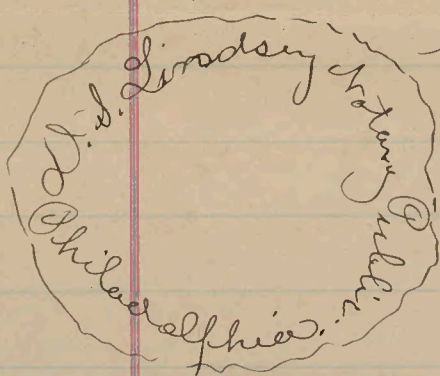
Given under my hand and notarial seal this 9<sup>th</sup> day of March A.D. 1887.

H. C. Garses a Notary Public  
of the Commonwealth of Pennsylvania and for  
the City of Philadelphia.



State of Pennsylvania.  
County of Philadelphia } ss.

On the 8<sup>th</sup> day of March A.D. 1887.  
before me a Notary Public for State  
aforesaid Residing in Philadelphia per-  
sonally appeared George F. Martin and  
Helen P. his wife whose names are signed  
to the above writing bearing date  
the 8<sup>th</sup> day of March 1887 and acknowl-  
edged the same in my County aforesaid. I also certify that the said  
Helen P. wife of Geo. F. Martin was  
examined by me privily and apart  
from her husband and having the  
writing aforesaid fully explained  
to her she the said Helen P. Martin  
acknowledged the said writing  
to be her act and declared that  
she had willingly executed the  
same and does not wish to retract  
it.



Given under my hand  
and Notarial seal the 11<sup>th</sup>  
day of March A.D. 1887.

D. S. Lindsey  
Notary Public

Virginia Lee County Court Clerk's office  
the 31<sup>st</sup> day of March 1887. The forego-  
ing deed of Trust bearing date the 8<sup>th</sup>



day of March 1897, between Harriet A. Holmes  
Edward L. Holmes, Sophie M. Holmes his wife  
Elizabeth Holmes, Annie Holmes, George  
F. Martin and Helen P. Martin his wife  
of the City of Philadelphia in the  
State of Pennsylvania. John Holmes  
and Annie E. Holmes, his wife of  
Leavenworth County Kansas Seth  
L. Holmes, William S. Whiteley and  
Elizabeth E. Whiteley his wife of the  
City of Baltimore in the State of  
Maryland of the first part, and  
William S. Whiteley and Edward L. Holmes  
Trustees of the second part, was  
this day filed in this office and  
admitted to record upon the fore-  
going certificates.

Teste John R. Gibson Clerk.

Virginia Lee County to wit:

I, John R. Gibson Clerk of Lee  
County Court in the State aforesaid  
do certify that the foregoing is  
a true transcript from the re-  
cords in my office.

Given under my hands this the  
31<sup>st</sup> day of March 1893.

John R. Gibson Clerk.



Annie Holmes, Helen P. Martin and John Holmes in equal portions, one fifth part thereof to Seth C. Holmes and one fifth thereof to Elizabeth E. Whitely above named, and until such sale to hold said land in trust for the persons above named or mentioned to whom said net proceeds of sale are to be paid in the proportions above mentioned in reference to said proceeds.

In witness whereof the parties hereto of the first part, have hereunto subscribed their names and affixed their seals on the day and year first herein written.

List. Harriet A. Holmes Seth C. Holmes Harriet A. Holmes Seal

William S. Whitely & Elizabeth E. Whitely Edward C. Holmes Seal

Whitely. Mary Hanson. Sophie M. Holmes Seal

Witness Susan M. Hanson. Elizabeth Holmes Seal

at F. M. Charles B. Engle Annie Holmes Seal

H. P. M. D. S. Lindsay George F. Martin Seal

C. E. Simpson Helen P. Martin Seal

As To John Holmes John Holmes Seal

Annie S. Holmes Annie C. Holmes Seal

F. M. Adams Witness Seth C. Holmes Seal

William S. Whitely Seal

Elizabeth E. Whitely Seal



State of Maryland City of Baltimore to wit:

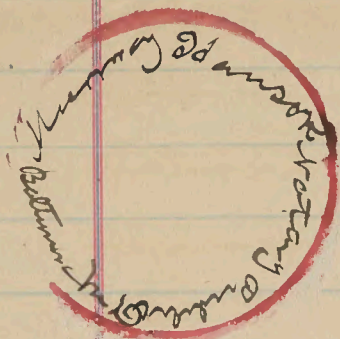
I, Mury Hanson a Notary Public for the City of Baltimore in the State of Maryland do hereby certify that Harriet A. Holmes, William S. Whiteley, and Elizabeth E. Whiteley his wife & Seth C. Holmes whose names are signed to the writing above bearing date on the eighth day of March in the year one thousand eight hundred and eighty seven personally appeared before me in the City and State aforesaid and acknowledged the same before me in said City and State. I do also certify that Elizabeth E. Whiteley the wife of William S. Whiteley whose names are signed to the writing above bearing date on the eighth day of March in the year one thousand eight hundred and eighty seven personally appeared before me in the City and State aforesaid and being examined by me privately and apart from her husband and having the writing aforesaid fully explained to her, she, the said Elizabeth E. Whiteley



acknowledged the said writing to be  
her act and declared that she had  
willingly executed the same and  
does not wish to retract it.

Given under my hand and  
notarial seal this eighth  
day of March A.D. 1887.

Murray Hanson  
Notar Public



State of Pennsylvania City of Philadelphia Town  
I, Charles B. Engle Notary Public for the  
City of Philadelphia in the State of  
Pennsylvania do hereby certify that  
Edward C. Holmes, Sophie M. Holmes his  
wife, Annie Holmes and Elizabeth Holmes  
whose names are signed to the writing  
above bearing date on the Eleventh  
day of March in the year one thousand  
eight hundred and eighty seven have  
acknowledged the same before me  
in my City State aforesaid, I do also  
certify that Sophie M. Holmes The wife  
of Edward C. Holmes whose name is  
signed to the writing above bearing  
date on the eighth day of March in  
the year one thousand eight hun  
dred and eighty seven personally  
appeared before me in the city and State

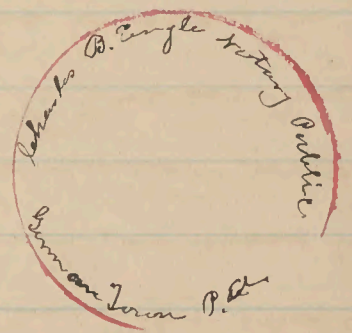


aforesaid, and being examined by me  
privily and apart from her said husband,  
and having the writing aforesaid fully  
explained to her, she, the Sophie M.  
Holmes acknowledged the said  
writing to be her act, and de-  
clared that she had willingly  
executed the same and ~~and~~  
did not wish to retract it.

Given under my hand this 11<sup>th</sup>  
day of March A.D. 1887.

Witness my hand and official  
the day and year above mentioned

Charles B. Engle  
Notary Public



State of Kansas. Leavenworth County: I, S. F. M. Adams a Notary Public in  
Leavenworth County in the State of  
Kansas, do hereby certify that John Holmes  
and Annie E. Holmes his wife whose  
names are signed to the writing above  
bearing date the 8<sup>th</sup> day of March in  
the year one thousand eight hundred  
and eighty seven, have acknowledged  
the same before me in my county  
and State aforesaid, I do also  
certify that Annie E. Holmes the wife



W. S. Whiteley et al  
Trans Copy of Trust Deed

Harriet A. Holmes et al

Deed Book No 22

Page 174 &c

Filed March 31-1893  
J. A. Syatt

Fee 2.00



This Deed made this 2<sup>nd</sup> day of Apr<sup>il</sup> 1886. between John A. Campbell and Mary his wife of the one part. and Daniel F. Trigg Trustee of the other part all of Washington County Virginia. Witnesseth, That whereas the said John A. Campbell is indebted to Patrick Hagan of Scott County Virginia in the sum of twelve hundred dollars which is evidenced by note of this date, And whereas the said John A. Campbell and Patrick Hagan are entitled to an undivided one fifth part of a certain 3000 acre tract of lands situated in Lee County in said State being the same tract of land which was patented to Samuel Young and conveyed by his son Samuel L. Young to John Holmes the said undivided fifth part of said land is the fee to which the said James A. Campbell & Patrick Hagan, are entitled as counsel for the heirs of said John Holmes in suits brought for the recovery of said land against adverse occupants, and whereas



the said John A. Campbell owns  
a house and lot situated in the  
Town of Alexandria - Va and is the  
same which is now occupied  
by him and the said John A.  
Campbell and Mary his wife  
being desirous to secure to the  
said Patrick Hagan the payment  
of said sum of money with its  
accruing interest doth in con-  
sideration thereof and one dollar  
grant and convey unto the said  
Daniel F. Trigg of their interest  
in said lands, and premises  
In trust nevertheless to secure  
to the said Hagan the payment  
of said sum of money and if  
the said John A. Campbell shall  
fail to pay to the said Hagan  
the said sum of money by the  
1st day of January 1888, then the  
said D. F. Trigg <sup>first</sup> Trustee is  
hereby empowered to sell the  
interest of the said John A.  
Campbell in the Lands in Lee  
County Va. and if this should  
prove insufficient to pay said  
debt then the house and lot



in Abingdon shall be sold provided the rents & profits thereof should not be sufficient to pay the said debt within five years, and whatever may remain out of the proceeds of sale of said property after satisfying said debt shall be paid to the said John A. Campbell. Witness the following Signatures & Seals.

John A. Campbell seal  
Mary B. Campbell seal

State of Virginia }  
County of Washington } to wit:

I L. T. Bosley Notary Public in and for the county and state aforesaid hereby certify that John A. Campbell whose name is signed to the foregoing writing bearing date the 2<sup>nd</sup> day of April 1886. has acknowledged the same before me in my county aforesaid and I further certify that Mary B. Campbell the wife of John A. Campbell whose names are signed to the foregoing writing bearing date on the 2<sup>nd</sup> day of April 1886.



personally appeared before me and  
being by me examined privily &  
apart from her said husband and  
having the writing aforesaid fully  
explained to her, she the said Mary  
B. Campbell acknowledged said  
writing to be her act and  
declared she had willingly ex-  
ecuted the same and does not  
wish to retract it. Given under  
my hand this 2<sup>nd</sup> day of April 1886.

L. T. Cooley. N.P.

Virginia Lee County Court Clerk's  
office April 3<sup>rd</sup> 1886. The foregoing  
deed bearing date 2<sup>nd</sup> of April 1886.  
between John A. Campbell & wife  
of the one part and Daniel T. Trigg  
Trustee of the other part, all of which  
Washington County Virginia was  
admitted to record upon the certif-  
icate of L. T. Cooley a Notary Public  
for Washington County Virginia.

Teste John R. Gibson Clerk  
Virginia Lee County to wit:

I, John R. Gibson - Clerk of Lee County  
do certify that the foregoing is a true  
transcript from the records in my office  
Given under my hand, March 30<sup>th</sup> 1893

John R. Gibson Clerk.



Sam. F. Briggs  
From Copy of D. T.

Geo. A. Campbell & Co.  
Revered Deed Book  
No 21 P. 522 & c

Filed March 31<sup>st</sup> 1893  
J. A. Syattic

"A"



KNOW ALL MEN BY THESE PRESENTS:-

That I, William S. Whiteley the principal, and *Henry J. Morgan*, as surety, are held and firmly bound unto Patrick Hagan and Mary B. Campbell, in the penal sum of Two hundred dollars (\$200.) for the payment whereof well and truly to be made unto the said Patrick Hagan and Mary B. Campbell, their heirs and assigns, we bind ourselves, our heirs, representatives and assigns, jointly and several, firmly by these presents.

Yet upon these conditions, that the said William S. Whiteley having petitioned the Circuit Court of Lee County, State of Virginia, for the removal of a certain cause therein pending wherein Patrick Hagan and Mary B. Campbell are plaintiffs and the said William S. Whiteley and others are defendants, to the Circuit Court of the United States, in and for the Western District of Virginia, at Abingdon;

NOW if the said William S. Whiteley your petitioner shall enter into the said Circuit Court of the United States on the first day of its next session a copy of the record in said suit and shall well and truly pay all costs that may be awarded by said Circuit Court of the United States, if said Court shall hold that said suit was wrongfully or improperly removed thereto, then this obligation to be void, otherwise to remain in full force and virtue

Witness our hands and seals the *4<sup>th</sup>* day of March, 1893.

*William S. Whiteley* (Seal)  
*By B.H. Sewell his attorney*  
*in fact.*  
*Henry J. Morgan* (Seal)



Bond

William S. Whiteley Trustee &c

ads  Bonds

Campbell & Hagan

Filed March 6<sup>th</sup> 1893

J. A. S. Hyatt &c

MARBURY & BOWDOIN,  
ATTORNEYS AT LAW,  
12 ST. PAUL STREET,  
BALTIMORE, MD.

J. V. JOHNSTON & CO., 23 MURRAY STREET, NEW YORK.



KNOW ALL MEN BY THESE PRESENTS:-

That, I, William S.

Whiteley of the City of Baltimore and State of Maryland, do hereby constitute and appoint B. H. Sewell of the County of Lee and State of Virginia as my true and lawful attorney in fact, for me and in my name to sign and acknowledge a bond as principal for the removal of the Chancery cause of Patrick Hagan and Mary B. Campbell against myself trustee and others now pending in the Circuit Court of said County of Lee and State of Virginia to the Circuit Court of the United States for the Western District of Virginia at Abingdon in the penal sum of Two hundred dollars (\$200.) and conditioned as the Statute of the United States in such cases provides for the removal of causes, with such surety upon said bond as my said attorney in fact may secure to sign and acknowledge said bond as surety.

And I hereby ratify and confirm all that my said Attorney in fact may do in the premises as fully as if I myself had signed and acknowledged the said bond.

Witness my hand and seal this *First* day of March

1893.

Test.

*Harry W. Rodgers*

*William S. Whiteley*

(Seal)

STATE OF MARYLAND, BALTIMORE CITY, TOWIT:--

I hereby certify that on this First day of March 1893 before me the subscriber, a Notary Public of the State of Maryland, in and for the City aforesaid, personally appeared William S. Whiteley and acknowledged the foregoing power of attorney to be his act and deed.

*In testimony whereof, I have hereunto set my hand and affixed my Notarial Seal the day & year above written.*

*Harry W. Rodgers*  
Notary Public







Lehigh  
Scotch Co Pa  
Oct 27/92

Mr. A. G. Hyatt Esq  
Jonesville Va.

Dear Sir

Yours

Communication has been duly recd.  
And contents noted - It was not  
recd by me at Abingdon - it has  
been forwarded at this place. It is  
now too late for me to make the  
Monday & make the change for a  
week day in Nov. or Dec. as we can  
not have the suit ready for the coming  
Court. Please look at the deed of trust  
of Holmer to Whiteley and see who  
are named as the owners of the land.  
I want to make their defendants.  
on say to Mr. B. H. Swell that I request  
him to give you the names of the



parties in interest at present. Some  
of them are dead. The Geo. Hustie with  
Whiteley is dead. I want all interested  
parties made defts - Send me the  
original with copies for them, and  
I will have them signed personally.  
And oblige

Yrs truly

Pittcock Hagan



After five days return to  
PATRICK HAGAN,  
CLINCH, SCOTT COUNTY, VA.



Mr A G Hyatt Esq  
Circuit Court  
Jonesville  
Lee Co Va.







*Virginia*  
In the Clerk's Office of the Circuit Court of the County of  
*Lee* on the *11<sup>th</sup>* day of *October* 18*92*

*Campbell & O'agan* Plaintiff,  
against

*Duboy*

*Wm. B. Whitely Trustee et al* Defendant &.

This day *D. C. Semell* personally appeared  
before me, *J. A. Hyatt* Clerk of the said Court,

and being duly sworn, made oath that *Wm. B. Whitely Trustee, John Holmes*  
*Mrs. Margaret Holmes, Seth C. Holmes, Mrs. E. E. Whitely & Alex. Brown*  
defendants in the said suit are not residents of the State of Virginia, and that the heirs,  
*the heirs of Samuel Young & Samuel C. Young*  
*are unknown to him, and as he is*  
*sworn and believes are also now residents.*

Given under my hand as Clerk of the said Court, this *11<sup>th</sup>* day of *October*

18*92*

*J. A. Hyatt C C*



2

FORM No. 302.

Campbell & Hagan

vs.

}

AFFIDAVIT FOR ORDER  
OF  
PUBLICATION.

Wm S. Wiley & Co  
et al

A. G. Sideman p. q.

Filed Oct. 11, 1892  
J. A. S. Hyatt



In the Clerk's Office of the Circuit Court of the County of  
*Lee* on the *11<sup>th</sup>* day of *October* 18*92*.

*Campbell and Hagan* Plaintiff  
against

*Whitely*

*Wm. S. Whitely Trustee et al* Defendant

The object of this suit is to have partition of the lands  
in the Bill mentioned, and division of the  
fund arising from the sale of certain  
part of said lands heretofore made,  
among those entitled thereto.

And an affidavit having been made and filed that the defendant  
*Wm. S. Whitely Trustee, John  
Holmes, Mrs. Margaret Holmes, Seth C. Holmes, Mrs. E. E. White,  
Alex. Brown & the unknown heirs of Samuel Young & Sammie L. Young*  
are not residents of the State of Virginia, it is ordered that they do appear here, within  
after due publication hereof, and do what may be necessary to protect their interest in this suit. And  
it is further ordered that a copy hereof be published once a week for four weeks in the *Lee County  
Republican*, and that a copy be posted at the front door of the court-house of this *County*  
on the first day of the next term of the *County* Court.

A copy—Teste:

*A. L. Poidemore* p. q.

*J. H. Syatt* Clerk.



Campbell & Hagan

vs. }

ORDER OF  
PUBLICATION.

W. S. Whiteley Trustee &c  
I certify that I  
posted an office  
copy of this order  
on the Court house  
door on first day  
October County Court  
and delivered a  
like copy thereof  
to Lee C. Republican  
for Pub. on the  
11<sup>th</sup> day Octo. 1892.  
J. A. Hyatt



# The Commonwealth of Virginia.

To The Sheriff Of Lee County Greeting:

We Command You to Summon

~~John Holmes~~, ~~Mrs. Margaret Holmes~~  
~~Leth L. Holmes~~, ~~Mrs. E. E. Whiteley~~  
~~Alex. Brown~~, ~~L. S. Cosby~~ Advers  
with the will annexed of John A.  
Campbell dec'd, and the unknown  
Heirs of Samuel Young and  
Samuel C. Young

To appear at the Clerk's Office of the Circuit Court of Lee County, at the Courthouse on the <sup>third</sup> first Monday  
in ~~October~~ next, being rule day to answer a bill in Chancery exhibited in our said Court

against

them

by

Patrick Hagan  
and Mary B. Campbell

And have then and there this writ. Witness, J. A. G. Hyatt, Clerk of said Court at the Courthouse.  
This 14<sup>th</sup> day of October 1892, in the 117 year of the Commonwealth.

A Copy Teste

J. A. G. Hyatt Clerk.



[D]

Campbell & Hagan

vs 3 Sparrow  
3 Chaney

Wm S. Whiteley et al

---

To 2<sup>d</sup> October Rules 1892.

---

Not executed the  
Defendants not  
being found in  
my bailwick  
Octo 24 1892.

W. E. Flanagan  
S. L. L.



# The Commonwealth of Virginia.

To The Sheriff of Lee County Greeting:

WE COMMAND YOU TO SUMMON

*Wm. S. Whitley Trustee, John  
Holmes, Mrs. Margaret Holmes Seth  
C. Holmes, Mrs. E. E. Whitley Alex. Brown  
S. T. Leachy Administrator with the will  
annexed of John A. Campbell and the  
next heirs of Sammie Young  
and Sammie C. Young*

to appear at the Clerk's office of the Circuit Court of Lee County, at the Court House, on the ~~first~~ <sup>third</sup> Monday in .....

*October 1892*

..... next, being rule day to answer a bill in Chancery exhibited in our said Court against

*them*

by

*Patrick Hagan  
and Mary B. Campbell*

And have then and there this writ.

Witness, J. A. G. Hyatt, Clerk of said Court at the Courthouse.

This *11th* day of *October* 18*92*, in the 11 <sup>7</sup> year of the Commonwealth.

A Copy Teste

*J. A. G. Hyatt* Clerk.



Dear

L. J. Cosby  
Admtr

Mr. Sheriff I  
suppose Mrs  
Campbell of  
your County  
will pay fees -  
Oryator



# The Commonwealth of Virginia.

To The Sheriff of Lee County Greeting:

WE COMMAND YOU TO SUMMON.

*Wm S. Whiteley Trustee John Holmes*  
*Mrs. Margaret Holmes, Beth. C. Holmes*  
*Mrs. E. E. Whiteley, Alex. Brown*

*L. S. Cosby Administrator with the will*  
*annexed of John C. Campbell deceased, and*  
*the next of kin of Samuel Young*  
*and Samuel C. Young*

to appear at the Clerk's office of the Circuit Court of Lee County, at the Court House, on the <sup>third</sup> ~~first~~ Monday in .....  
*October 1892* next, being rule day to answer a bill in Chancery exhibited in our said Court against  
..... *them* by *Patrick Hagan*  
*and Mary R. Campbell*

And have then and there this writ. Witness, J. A. G. Hyatt, Clerk of said Court at the Courthouse.

This.....*11<sup>th</sup>*.....day of.....*October 1892*.....in the 11 *7* year of the Commonwealth.

*J. A. G. Hyatt*.....Clerk.

A Copy Teste.....Clerk.



L.P.

Campbell & Hagan  
3 Spavin  
vs 3 Chay  
Wm. Whitley Trustee  
et al

---

To 2<sup>d</sup> Oct. 1892

---

No. 10

Rev. J. A. Anderson & Co



In the clerk's office of the circuit court  
of the county of Lee on the first day of  
October 1892.

Campbell and Hagan, Plaintiffs.

vs.

Wm. S. Whiteley trustee &c. et al Defts.  
In Chancery.

The object of this suit is to have partition of the lands in the Bill mentioned, and have a division of the fund arising from the sale of certain portions of said lands heretofore made, among those entitled thereto. And an affidavit having been made and filed that the defendants, Wm. S. Whiteley, trustee &c., John Holmes, Mrs. Margeret Holmes, Seth C. Holmes, Mrs. E. E. Whitley, Alex. Brown, and the unknown heirs of Samuel Young and Samuel C. Young, are not residents of the State of Virginia, is ordered that they do appear here, within fifteen days after due publication and do what may be necessary to protect their interest in this suit. And it is further ordered that a copy hereof be published once a week for four weeks in the Lee County Republican, and that a copy be posted at the front door of the courthouse of this county on the first day of the next term of the county court.

A copy—Teste:

J. A. G. Hyatt, Clerk.

A. B. Pridemore, p. q.

oct 13-4t

VIRGINIA, Lee County, To wit: I

Geo. C. Coleman, editor and publisher

of the LEE COUNTY REPUBLICAN, a news-

paper, printed in the town of Jonesville.

in the county of Lee, Virginia, do here-

by certify that the foregoing order of

publication was duly published in said

paper for four successive weeks, from

and after the 12 day of Oct.....

1892 Ending on the 13 day of Nov.....

..... 1892

Geo. C. Coleman,

Editor and Publisher.

*Printers fee 5.00*



Campbell & Hagan

Printers

vis 3 certificate

Wm S. Whitley Trustee

---

Drs Fee \$5.00



In the clerk's office of the circuit court  
of the county of Lee on the 11th day of  
October 1892.

Campbell and Hagan, Plaintiffs.

vs.

Wm. S. Whiteley trustee &c. et al Defts.  
In Chancery.

The object of this suit is to have partition of the lands in the Bill mentioned, and have a division of the fund arising from the sale of certain portions of said lands heretofore made, among those entitled thereto. And an affidavit having been made and filed that the defendants, Wm. S. Whiteley, trustee &c., John Holmes, Mrs. Margeret Holmes, Seth C. Holmes, Mrs. E. E. Whitley, Alex. Brown, and the unknown heirs of Samuel Young and Samuel C. Young, are not residents of the State of Virginia, is ordered that they do appear here, within fifteen days after due publication and do what may be necessary to protect their interest in this suit. And it is further ordered that a copy hereof be published once a week for four weeks in the Lee County Republican, and that a copy be posted at the front door of the courthouse of this county on the first day of the next term of the county court.

A copy—Teste:

J. A. G. Hyatt, Clerk.

A. L. Pridemore, p. q.

oct 13-4t

*Printer's fee \$5.00*

VIRGINIA, Lee County, To wit: I

Geo. C. Coleman, editor and publisher

of the LEE COUNTY REPUBLICAN, a news-

paper, printed in the town of Jonesville.

in the county of Lee, Virginia, do hereby

certify that the foregoing order of

publication was duly published in said

paper for four successive weeks, from

and after the 3 day of Nov - Oct

1892. Ending on the 10 day of Nov - Nov

ember 1892.

Geo. C. Coleman,

Editor and Publisher.